

April 7, 2009

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

HOUSING POLICY  
DEVELOPMENT, HCD

APR 03 2009

**SUBJECT: VENTURA COUNTY GENERAL PLAN 2009 ANNUAL REPORT -  
RECEIVE AND FILE**

**RECOMMENDED ACTION:**

Receive and file the attached 2009 annual report on the status of the County General Plan.

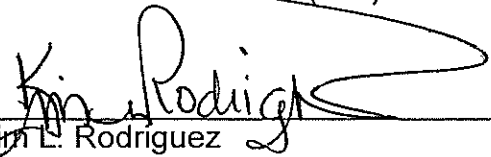
**FISCAL/MANDATES IMPACTS:**

There is no fiscal impact associated with this report except for the report preparation costs that occur annually. State law requires the preparation and filing of an annual report on the status of the General Plan with the legislative body (your Board), the Governor's Office of Planning and Research, and the State Department of Housing and Community Development.

**DISCUSSION:**

The attached 2009 Annual Report provides a review of the General Plan Amendments that were approved in 2008, and an overview of General Plan Amendments that are currently in process. In addition, as required by State law, a discussion regarding Ventura County's progress in fulfilling its share of the regional housing needs and local efforts to remove government constraints to the maintenance, improvement, and development of housing is included. Lastly, a discussion of new State laws and recent court decisions that may affect the General Plan and its implementation is also included.

This report has been reviewed by the offices of the County Executive Officer, Auditor-Controller, and County Counsel. If you have any questions regarding this matter, please contact Bruce Smith at (805) 654-2497.

  
Kim L. Rodriguez  
Planning Director

Attachment "A": 2009 Annual Report

cc: Governor's Office of Planning and Research  
California Department of Housing and Community Development  
Ventura County Planning Commission (5)





## **Attachment "A"**

### **2009 ANNUAL REPORT VENTURA COUNTY GENERAL PLAN**

California Government Code Section 65400(b) requires an annual report on the status of the General Plan and progress in its implementation, including the progress in meeting its share of regional housing needs, which must be submitted to the Board of Supervisors, the Office of Planning and Research and the Department of Housing and Community Development (HCD) on or before April 1<sup>st</sup> of each year.

This report is organized as follows:

- A. A review of the General Plan Amendments that occurred since the last Annual Report;
- B. A review of privately-initiated and County-proposed General Plan Amendments and related Zoning Ordinance amendments that are currently in process or waiting to be processed;
- C. A review of Ventura County's progress in meeting the housing objectives of the General Plan;
- D. A review of local efforts concerning improvement and development of housing;
- E. A review of new State laws and court decisions that may affect the General Plan and its implementation; and
- F. A review of the County General Plan for degree of consistency with State General Plan Guidelines.

#### **A. *Recently Completed General Plan Amendments***

Since January 1, 2008, four General Plan Amendments (GPAs) and one General Plan Amendment modification were approved by the Ventura County Board of Supervisors (Board), which are described below.

- **GP05-0002, Ojai Area Plan Amendment (M. Gramckow )**

On February 5, 2008, the Board approved a General Plan Amendment and Zone Change (ZC04-0008) for an 11.01-acre parcel to be created by recording a Parcel Map Waiver-Lot Line Adjustment. The action amended the General Plan land use designation specified in the *Ojai Valley Area Plan* and the zoning designation for an 11.01-acre portion of a 28.07-acre parcel known as Assessor Parcel Number 011-0-052-18 from the existing OS-40ac to OS-10ac. The site is located on Baldwin Road (State Highway 150) just west of the Rancho Matilija development.

This action and recording of the Parcel Map Waiver-Lot Line Adjustment allows for construction of a single-family principal residence, a second dwelling and related accessory structures on the site. (Case Planner: T. Maier)

- **GP07-0002, Housing Element Update (County Initiated)**

On July 22, 2008 the Board approved amendments related to population and housing chapters in the *Goals, Policies and Programs* (Section 3) and the *Land Use Appendix* (Section 3.3.) of the County General Plan. (Planners: S. Sussman/K. Finley)

- **GP08-0006, Scenic Resource Protection (County-Initiated)**

On September 9, 2008 the Board approved amendments updating the scenic resource chapters of the *Goals, Policies and Programs* and *Resources Appendix*, as well as related amendments to the Non-Coastal Zoning Ordinance. The amendments included the integration of the SHP permit standards into the SRP overlay zone, and elimination of the SHP overlay zone. (Zoning Ordinance text amendments ZN08-0004; Zone Changes ZN08-0008.) (Case Planners: C. Morehouse/B. Smith)

- **GP08-0001, Piru Area Plan Update (John Rieder, Don Jenson, Jim Finch and County-Initiated)**

On December 16, 2008 the Board approved amendments updating the *Piru Area Plan*. This Area Plan update contains several different components. The Countywide General Plan land use designation changed from "Agricultural" to "Urban" within the 62-acre Piru Expansion Area. Additionally, 29 acres of land adjacent to the Piru Expansion Area which were designated "Existing Community" changed to "Urban." Program 3.3.3-5(7) of the Area Plan was amended to be consistent with the applicant proposed affordable housing agreement and various tables in the *Goals, Policies and Programs* document and the *Land Use Appendix* were amended to reflect additional development that could occur with approval of the proposed private developments.

Additionally, the text, maps and other figures within the *Piru Area Plan* were revised to (1) provide for residential, commercial and community facility development of the 62-acre Piru Expansion Area, (2) change the designation of the Heritage Valley Inn from "Hotel" to "Commercial," (3) update the goals, policies and programs of the Piru Area Plan as recommended by the Piru Area Plan Update Committee and (4) revise to add Residential Design Guidelines to complement the existing Commercial Design Guidelines.

The following are all of the GPA numbers associated with this project:

- GP08-0001 (County-initiated, General Plan Amendment);
- GP08-0002 (filed by John Reider);
- GP06-0007 (filed by Donald Jensen); and
- GP04-0007 (filed by James Finch).

(Case Planner: D. Hawkins)

- **GPA 06-1, Coastal Area Plan Amendment, Solromar Community-South Coast Area (Crown Pointe)**

On October 10, 2006, the Board approved a GPA request to re-designate a portion of a 6.46+ parcel from "Rural" (2-acre minimum) and "Commercial" to "Residential Low" (1-2 dwelling units per acre) in the *Coastal Area Plan*, to allow subdivision into four additional single-family residential lots. Also, the GPA allows reconfiguring the "Commercial" portion to accurately follow the Neptune's Net restaurant commercial use. The net result is approximately 1.36 acres designated "Commercial" and 5.02 acres designated "Residential Low."

On September 16, 2008, the Board approved a Coastal Commission proposed modification to GPA 06-1 and other entitlements, which included zone change, tentative tract map, CUP) The Coastal Commission certified the update to the *Coastal Area Plan* on October 16, 2008. (Case Planner: K. Turner)

## ***B. Pending General Plan and related Zoning Ordinance Amendments***

The following summarizes the GPAs and related Zoning Ordinance Amendments that are currently in process:

### ***Privately Initiated Requests:***

- **Colton Lee Communities (Santa Susana Knolls)**

This July 2004 screening-approved GPA was to re-designate a 23.67+ area from Existing Community - Rural Exclusive, "RE-5 ac", "RE-1 ac", and "RE-20,000 sq ft" to Existing Community - Residential Planned Development, "RPD-11 du/ac." The GPA was to allow the construction of a 150-250 unit apartment complex, with 20% of the units as lower-income units. The Board approved the post-screening processing of the GPA with a 20% lower income requirement, but limited the density to 8 du/ac, or the actual average density of the "RE-10,000 sq ft" zoned portion of the Santa Susana Existing Community, whichever is less. The current project description differs from the original GPA Screening request since it consists of a request for 100 manufactured housing units, 10 percent of which would be affordable, at a density of 5.14 du/ac. The application is complete and on January 22, 2008, the Resource Management Agency, Planning Division determined that an Environmental Impact Report (EIR) is required for the project. Completion of the EIR is pending the outcome of research on the Katherine Road right-of-way, which is currently being conducted by the applicant. (Estimated Board hearing date: none scheduled / Case Planner: D. Klemann)

- **Karolina and Jeff Pengilley (Camarillo Heights)**

This February 2006 screening-approved GPA would amend the General Plan land use designation for a 3.21-acre site from "RE-20,000" (Rural Exclusive, 20,000 sq. ft. minimum lot size) to "RE-13,000" (Rural Exclusive, 13,000 sq. ft. minimum lot size) to create seven single-family residential lots. The GPA, Zone Change, and Tentative Tract Map applications were deemed incomplete on August 30, 2007. County staff is currently reviewing additional materials that were submitted in

February 2009 in order to determine if the application is complete. (Estimated Board hearing date: none scheduled / Case Planner: D. Klemann)

- **Dennis Nickerson (Channel Island Harbor Area)**

This July 2003 screening-approved GPA is to re-designate two approximately 10,000 square foot parcels from "Commercial" to "Residential High" (6.1 to 36 dwelling units per acre), to allow construction of 10 to 16 apartments (25% of which would be for lower-income households). The applicant has not yet filed the required post-screening applications. (Estimated Board hearing date: none scheduled / Case Planner: not assigned)

- **Trigg Schaeffer (Silver Strand Coastal Area)**

This February 2006 screening-approved GPA would amend the Local Coastal Area Plan from the "Commercial" land use designation to the "High Residential" (6.1-36 du/acre) designation on a 5,227 square foot parcel, for the purpose of constructing two single-family homes. The Board screened this item through with a condition that the applicant submit market study that evaluates the viability of future commercial uses in the Silver Strand/Hollywood-by-the-Sea commercial district. The applicant has not yet filed all of the required post-screening applications. (Estimated Board hearing date: none scheduled / Case Planner: not assigned)

- **Nathan Borin (Lake Sherwood)**

This February 2008 screening-approved GPA is to amend the water and sewer policies of the Lake Sherwood/Hidden Valley Area Plan allowing extension of water and sewer service to existing lots contiguous to the Lake Sherwood Community for which a service easement has been granted. (Estimated hearing date: none scheduled / Case Planner: D. Hawkins)

**County-Initiated Requests:**

- **Habitat Connectivity Protection (HCP) Overlay Zone (Countywide)**

On Oct. 14, 2008, the Board of Supervisors authorized and funded the Planning Division to draft a habitat connectivity protection overlay zone. Staff is currently drafting amendments to the General Plan *Resources Appendix* and *Goals, Policies and Programs*, as well as the Non-Coastal Zoning Ordinance and the Subdivision Ordinance. (Estimated Board hearing date: Summer 2009 / Project Planners: D. Millais/C. Danko)

- **Scenic Resource Protection (SRP) Overlay Zone Amendment and Related Amendments to the Ojai Valley and Thousand Oaks Area Plans**

During budget hearings in June 2007, the Board directed staff to amend the General Plan and Zoning Ordinance to strengthen SRP Overlay Zone standards in the Ojai Valley and Thousand Oaks areas. Phase 1, which consisted of amendments to the Countywide General Plan and Non-Coastal Zoning Ordinance, was approved by the Board September 2008. Phase 2 will include amendments to the area plan scenic resource goals, policies and programs. (Estimated Board hearing date: Fall 2009 / Project Planner: D. Hawkins)

- **Housing Element and Concurrent Zoning Ordinance Revisions (Countywide)**

On February 10, 2009, the Board directed staff to make revisions to the 2008 Housing Element in response to comments received by the State Department of Housing and Community Development. Specific General Plan revisions include:

- Update rental and sales price data for housing completions and inventory;
- Amendments to re-designate select parcels to 20 du/acres for ministerial housing for lower-income households;
- Pursue agreements with adjacent city(ies) and prepare draft ordinance amendment to accommodate emergency shelters to implement the requirements of SB 2;
- Add additional analysis on permit processing time and fees for discretionary permits;
- Amend Agricultural designation to allow creation of parcels less than 40 acres for Farmworker Housing Complexes within or adjacent to city's spheres of influence and develop a list of suitable parcels;
- Re-prioritize housing programs to process ordinance amendments for special needs housing, farmworker housing complexes, and second dwelling units to begin immediately and concurrently; and,
- Postpone programs for Density Bonus Ordinance update, Inclusionary Housing Ordinance, and Housing Impact Mitigation Fee Ordinance until after the Housing Element revisions are complete.

A Subsequent EIR will be prepared for the General Plan and Zoning Ordinance Amendments noted above. (Estimated Board hearing date of the draft Housing Element revision is June 2009 and estimated Board hearing date of the final Housing Element revision is Summer 2010 / Project Planners: K. Finley/S. Sussman)

- **Update of the Density Bonus Provisions of the Zoning Ordinance – State Mandated (Countywide)**

On January 25, 2005 the Board postponed consideration of a program to update the Density Bonus provisions of the County Zoning Ordinance to be consistent with recent changes to State law, and directed staff to report back to the Board at such time as the State legislature considers cleanup legislation. SB 435 was passed and became effective on January 1, 2006. There was no further cleanup legislation in either the 2006-2008 legislative sessions. This program is included in the adopted Housing Element as a FY2008-2009 program, but will be delayed due to the necessary revisions as indicated above. (Estimated Board hearing date: not scheduled / Project Planner: Not assigned)

- **Inclusionary Housing Ordinance (Countywide)**

This ordinance will impose requirements on housing projects for the setting aside of

a percentage of dwelling units for lower-income households. This ordinance is included in the adopted Housing Element as a FY2008-2009 program, but is being delayed due to the necessary revisions as indicated above. (Estimated Board hearing date: not scheduled / Project Planner: not assigned)

- **Housing Impact Mitigation Fee Ordinance(Countywide)**

This ordinance would eliminate project-by-project assessment of the indirect housing impacts generated by new commercial/industrial uses and substitute a programmatic approach through payment of in-lieu fees. This ordinance is included in the adopted Housing Element as a FY2008-2009 program, but will be delayed due to the necessary revisions as indicated above. (Estimated hearing date: not scheduled / Project Planner: not assigned)

- **Rezoning and Zoning Ordinance Amendments for Consistency with the General Plan – State Mandated (Countywide)**

State law requires that Zoning Ordinances be consistent with the general plan. Since the County's rezoning program in the mid-1980s, it has been discovered that several hundred parcels of land do not have zoning that is consistent with the County General Plan (e.g., Rocketdyne, North Half). In addition, there have been some significant changes to the General Plan over the last decade that has resulted in seeming inconsistencies in the zoning ordinances. For example, the minimum parcel size for rural-designated land was increased from one acre to two acres; however, the RA (Rural Agricultural) and CR (Coastal Rural) zones still specify a one-acre minimum. Similarly, the RE (Rural Exclusive) zone has a 10,000 square foot minimum and the CRE (Coastal Rural Exclusive) zone has a 20,000 square foot minimum. (Estimated hearing date: not scheduled / Project Planner: not assigned)

- **Area Plan Updates (Coastal, North Ventura Avenue, Saticoy, Thousand Oaks, Ahmanson Ranch, Ojai Valley, El Rio/Del Norte, Oak Park, Piru, Lake Sherwood/Hidden Valley)**

The County has adopted 10 Area Plans that specifically regulate land uses and discretionary development in specific geographical communities/areas within the unincorporated area of the County. Attachment 3 lists each of the Area Plans and the date of adoption or last major amendment. The *Piru Area Plan* was updated in December of 2008. Timing of updates to the other Area Plans is dependent upon other project priorities and staff availability.

- **Greenbelt Agreements**

The Board of Supervisors has directed that the existing Greenbelt Agreements be incorporated into ordinance format. In addition, Program 3.1.3 of the *Goals, Policies and Programs* of the General Plan states that the following additional greenbelt agreements should be considered by the County and appropriate cities for the following areas:

- Las Posas Valley
- Hidden Valley
- Upper Ojai

- Between Moorpark and Simi Valley north of Hwy 118.

Budget reductions in FY2004 effectively eliminated the planner position responsible for overseeing the greenbelt agreement program. Thus, the timing of this project is dependent upon other project priorities and staff availability.

### **C. Ventura County Housing Objectives Progress Report**

#### **Housing Objectives**

The Southern California Association of Governments (SCAG) has adopted a Regional Housing Needs Allocation Plan (RH NAP) for all jurisdictions within the region for the period from January 1, 2006 to July 1, 2014. The Government Code was amended effective January 1, 2007 to require Housing Elements to also account for a new income category (extremely low-income). The RH NAP dwelling unit (DU) numbers by income category for the unincorporated area of Ventura County (including extremely low-income) are shown in Table 1 below.

**Table 1**  
**2006-2014 RH NAP for Unincorporated Ventura County**

<b>Income Category</b>	<b>SCAG's Regional Housing Need Allocation Plan 1/2006 - 6/2014 (DUs)</b>	<b>Approximate Annual Housing Need (DUs)</b>
Extremely Low (<30% median)	152	18
Very Low (>30%-<50% median)	153	18
Low (>50%-<80% median)	250	29
Moderate (>80%-<120% median)	291	34
Upper (>120% median)	558	66
<b>Totals</b>	<b>1,404</b>	<b>165</b>

#### **Ventura County's Progress in Meeting Housing Needs**

Table 2 illustrates the housing units that have been completed within the unincorporated area by dwelling unit type between January 1, 2006 and December 31, 2008.

**Table 2**  
**Housing Completions by Dwelling Unit Type (1/06-12/08)**

<b>Dwelling Unit Type</b>	<b>1/06-12/06 (DUs)</b>	<b>1/07-12/07 (DUs)</b>	<b>1/08-12/08 (DUs)</b>	<b>Total DUs</b>
Single-Family Conventional Dwellings	159	119	100	378
Single-Family Mobile Homes	24	21	11	56
Second DU's	38	26	32	96
Farmworker Units	1	4	9	14
Apartments	130	58	0	188
Townhomes	114	2	6	122
<b>Totals</b>	<b>466</b>	<b>230</b>	<b>158</b>	<b>854</b>

Of the 158 dwelling units completed in 2008, 13 percent were located in the Las Posas Valley, 13 percent were located within the Ojai Valley area, 10 percent were located in Bell Canyon, 9 percent were located in the Channel Islands area, and 7 percent were located within the Santa Susana/Box Canyon area. The remaining 48 percent was scattered throughout the unincorporated area of the County.

In order to categorize housing completions by affordability, HCD requires that actual sales or rental data be used. This information is obtained either directly from the property owner or from the Assessors Office. The Ventura County Assessors Office releases their annual "Closed Roll" report on July 1<sup>st</sup> of each year; however the information contained in those reports is only for the previous calendar year. The information necessary to determine the affordability category of the dwelling units completed in 2008 will not be available until July 1 of 2009. Therefore, it is not possible to comply with the State's April 1<sup>st</sup> deadline to report the affordability category of dwelling units completed in the previous calendar year.

Although information is not yet available to categorize the dwelling units completed in 2008 by income, staff has been able to categorize many of the dwelling units completed between 1/1/06 and 12/31/07 by income and based on actual sales data. Of the 230 units completed in 2007, 120 are listed in the unknown category due to the unavailability of sales data as required by HCD. However, the County will continue to refine the extrapolation methodology in conjunction with the Housing Element revisions in order to categorize these units by affordability in the next annual report.

The 2007 information, along with previously completed dwelling units in the planning period, is depicted in Table 3. The assumptions and methodology for how the units were categorized is described in the Housing Affordability Assumption/Methodology (Attachment 1).

**Table 3**  
**Dwelling Unit Completions by Income Category**

	Lower Income (<80% of median)			Moderate Income (80-120% of median)	Upper Income (>120% of median)	Unknown	Total
	Extremely-Low Income (<30% of median)	Very-Low Income (30-50% of median)	Low Income (50-80% of median)				
DUs1/1/06 to 12/31/06	2	1	111	179	58	115	466
DUs1/1/07 to 12/31/07	0	2	22	69	17	120	230
Total Units 2006-07	2	3	133	248	75	235	696

Table 4 shows a comparison of the dwelling units completed in 2006 and 2007, housing need by income category as established by the RHNAP and the *remaining* housing needs for the 2006-2014 SCAG RHNAP by income category. Again, the affordability for the 2008 completions will not be available until July 2009 and, therefore, is not reported by income category, but results in a remaining need of 550 total units.

**Table 4**  
**Remaining Housing Need by Income Category**

	Lower Income (<80% of median)			Moderate Income (80-120% of median)	Upper Income (>120% of median)	Unknown	Total
	Extremely-Low Income (<30% of median)	Very-Low Income (30-50% of median)	Low Income (50-80% of median)				
2006-2014 Housing Need	152	153	250	291	558	—	1404
2006/07 Housing Completions	2	3	133	248	75	235	696
Remaining Housing Need	150	150	117	43	483	[235]	708

#### **D. Local Assistance Efforts for Maintenance, Improvement and Development of Housing**

Every year, the County prepares a plan that identifies the unmet needs for affordable and supportive housing, community development programs, social service programs

and economic development opportunities for low-income residents. The Consolidated Plan which covers the period 2005-2008, addresses the unincorporated area of the county and the cities of Fillmore, Moorpark, Port Hueneme, Ojai and Santa Paula.

This year, the Consolidated Plan was updated and extended to 2010 to reflect a five-year strategy. The Consolidated Plan must be approved by the Department of Housing and Urban Development in order for the County to receive a variety of Federal grants including the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG) and the HOME Investment Partnership Act (HOME) grant. The *Ventura County 2007-08 Consolidated Annual Performance and Evaluation Report (CAPER)*, contains information regarding accomplishments funded by and in keeping with the intent of the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), American Dream Downpayment Initiative (ADDI) which is considered part of the HOME program, Emergency Shelter Grant (ESG) and other funding sources for the period of July 1, 2007 through June 30, 2008.

The 2007-08 CAPER is available on the Ventura County website at <http://ceo.countyofventura.org> under Quick Links, HUD Programs and is the source document for this summary. Major programs and projects are summarized below.

#### **Housing Assistance, Rehabilitation, and Preservation Programs:**

The County is involved in housing programs for various low-income and other special needs groups. The following programs, projects and activities illustrate the County's progress towards meeting the identified housing needs for the 2007-08 fiscal year.

- Port Hueneme – Residential Rehabilitation (1)
- Santa Paula – Residential Rehabilitation (1)
- County – Housing Preservation – Mobilehome Units, CDBG funded (1)
- County – Housing Preservation Mobilehome Units, HOME funded (9)
- County – Housing Preservation – Mobilehome Replacements – CDBG (1)
- County - Code Enforcement – Closed Cases, CDBG (18)
- New Construction Rental Development – Santa Paula, Harvard Courts (34 Units)
- Port Hueneme – Rental Rehabilitation (4 units)
- Port Hueneme – Homebuyer Assistance (HOME) – (8 units)
- County – Food Share Warehouse Project completed (35,000 expected beneficiaries)
- County – multiple programs for Homelessness and Special Needs Persons – Behavioral Health – Emergency Shelter, Homeless Services Program, Project Understanding, RAIN Transitional Living Center, Turning Point St Vincent De Paul Winter Warming Shelter (see CAPER for more detail)
- County – Housing Rights Center (407 served)

#### **Resource Management Agency Activities and Programs:**

The County Resource Management Agency has been actively encouraging additional affordable housing in the unincorporated portion of the County through the use of processing assistance and Zoning Ordinance Amendments. These activities and current Zoning Ordinance topics and programs include:

- *2008 Housing Element Revisions:* See section "B" above
- *Special Needs Housing and Emergency Shelters:* One component of the Housing Element revisions listed above includes processing an amendment to the Non-Coastal and Coastal Zoning Ordinances to clarify which zones allow special needs housing (e.g., emergency shelters, transitional housing, supportive housing, SROs), and to expressly establish a process to approve deviations from zoning standards to meet the reasonable accommodation provisions of the American Disabilities Act.
- *Farmworker Housing:* In May 2003, the County Zoning Ordinance was streamlined to allow farm worker housing that met certain criteria, to be ministerially approved over the counter. On an annual basis, the landowner (or permittee) is required to submit a standard Farmworker Dwelling Declaration to verify that the persons residing in the farmworker dwellings are principally employed for farm work. In addition, the Zoning Ordinance was amended to allow Farmworker Housing Complexes in the AE and OS zones by Planned Development Permit rather than a Conditional Use Permit.

In 2005, the Board of Supervisors amended the General Plan to exempt Farmworker Housing Complexes from the building coverage standards and traffic policies of the General Plan.

In 2008, the Board authorized a program to amend the General Plan and Zoning Ordinance to allow the approval of creation of new sub-standard sized lots for Farmworker Housing Complexes in the Agricultural designation/AE zone within or adjacent to a city Sphere of Influence.

County staff continues to seek Federal, State and private grant monies to develop farmworker housing countywide.

From June 5, 2003, (operative date of the ordinance amendment) to December 31, 2008, Zone Clearances have been issued for 58 farmworker/animal caretaker dwelling units. In 2008 alone, there were 13 Zone Clearances issued for farmworker dwelling units. It should be noted, however, that the issuance of a zone clearance does not ensure that the unit was actually constructed or completed that year. For example, in 2008 only 2 of the units identified on Zoning Clearances were listed as completed in the Building and Safety records. However, there are 7 additional units listed as completed farmworker units in the building reports making 9 total completions in 2008. This report and future issues will include annual completions of farmworker units (see Table 2).

- *Second Dwelling Units:* Second dwelling units provide an important source of lower-income and moderate-income rental housing. In May 2003, the Board of Supervisors adopted revisions to the Non-Coastal Zoning Ordinance for second dwelling units. The allowable size for second dwelling units was increased in most unincorporated areas, discretionary approval was changed from a lengthy planned development permit to ministerial "over-the-counter" approval in accordance with State law, and revisions were made to allow second dwelling units in more zoning districts.

In 2008, the Board authorized a program to amend the Zoning Ordinance to allow second dwelling units on non-conforming parcels of 10,000 square feet or more, and allow second dwelling units to be up to 1,800 square feet on lots of 40 acres or more.

Between June 2003 and December 2008, there were 172 second dwelling units completed in the unincorporated area of the county, with 32 of those units constructed between January 1, 2008 to December 31, 2008.

- *Affordable/Elderly Housing Developments:* Article 16 of the County's Zoning Ordinance provides density bonuses and other incentives to encourage housing for lower income and elderly households. On January 25, 2005, the Board postponed consideration of a program to update the Density Bonus provisions of the County Zoning Ordinance to be consistent with recent changes to State law, and directed staff to report back to the Board at such time as the State legislature considers cleanup legislation. SB 435 was subsequently passed and became effective on January 1, 2006 (see Legislation/Court Decisions below). This project has been delayed (see section "B" above).
- *Inclusionary Housing Ordinance:* In July 2008, the board directed staff to study and prepare an Inclusionary Housing Ordinance. The Planning Division will prepare and process an amendment to the Non-Coastal and Coastal Zoning Ordinances to require that residential development projects of 10 or more dwelling units provide lower income residential units. This program has been delayed (see Section "B" above).
- *Housing Impact Mitigation Fee Ordinance:* County Planning Division staff has been directed to prepare a housing impact mitigation fee ordinance for consideration by the Board of Supervisors. Background information and policy options for unincorporated areas will be presented. If adopted by the County, such a fee would require significant employment generating uses to contribute to the provision of affordable housing for lower-income households. This project was scheduled to begin in FY 2008-2009 in the 2008 Housing Element, but has been delayed (see Section "B" above).

### ***E. Legislation/Court Decisions***

The following is a summary of State legislation and advisory guidelines enacted in 2008, which may affect the County General Plan and its implementation.

#### **SB 375      Steinberg - Transportation and land use plan and the California Environmental Quality Act**

This bill 1) requires the Air Resources Board to provide each region with greenhouse gas emission reduction targets for the automobile and light truck sector; 2) requires a regional transportation plan to include a Sustainable Communities Strategy designed to achieve the targets for greenhouse gas emission reduction; 3) requires the California Transportation Commission to maintain guidelines for travel demand models; 4) requires cities and counties, in general, to revise their housing elements every eight years in conjunction with the regional transportation plan and complete any necessary

rezonings within a specific time period; and 5) relaxes CEQA requirements for housing developments that are consistent with a Sustainable Communities Strategy. *Signed into law. Chapter 728, Statutes of 2008.*

**AB 1366 Portantino - State housing programs and housing element compliance**

This bill makes housing element compliance and submission of the annual housing element progress report a threshold requirement for the CalHome, BEGIN, and Infill Infrastructure Grant programs. *Signed into law. Chapter 717, Statutes of 2008.*

**AB 2494 Caballero - Housing-Related Parks Program**

This bill implements a portion of Proposition 1C by establishing the Housing-Related Parks Program to provide entitlement park grants to cities and counties for each housing start that will be affordable to lower-income households. *Signed into law. Chapter 641, Statutes of 2008.*

**AB 242 Blakeslee - Housing element law: annexation**

This bill makes technical changes to the statutes governing regional housing needs allocation transfers in the event of an incorporation or annexation. *Signed into law. Chapter 11, Statutes of 2008.*

**AB 2069 Jones - No-net-loss zoning law**

This bill amends the no-net-loss zoning law to clarify that upzoning or findings are required if fewer units are approved for a particular site than were counted for the site in the housing element. *Signed into Law. Chapter 491, Statutes of 2008.*

**AB 2604 Torrico - Delay of developer impact fees**

This bill allows a local government to defer the collection of one or more impact fees imposed on new housing, except for school fees, until the close of escrow. *Signed into Law. Chapter 246, Statutes of 2008.*

**AB 2554 Mullin - Relinquishment of code enforcement programs**

This bill provides that the Department of Housing and Community Development shall reassume responsibility for enforcing the Employee Housing Act, the Mobilehome Parks Act, and the Special Occupancy Parks Act within 90 days of receiving notice that a city or county is canceling its local enforcement and clarifies which already-collected fees a local government must remit to HCD. *Signed into law. Chapter 138, Statutes of 2008.*

**AB 2280 Saldana - Density bonus**

This bill states that failure to adopt an ordinance shall not relieve a city or county from complying with DB law and the concessions/incentives therein. The bill also modifies the definition of "waiver" to include only development standards that make it physically impossible to build at the DB law density, as opposed to making it economically infeasible. Chaptered (9/27/2008). Chapter 454, Statutes of 2008.

**AB 3005 Jones - Community development: mitigation fees.**

As amended May 15, 2008, requires that locally-assessed traffic impact fees for housing developments by local agencies be established at a rate that reflects a

reduction of automobile trip generation if the housing development satisfies specified criteria:

- (1) The housing development is located within one-half mile of a transit station.
- (2) Parking spaces for the housing development do not exceed the following:
  - (A) For zero to two bedroom units, one on-site parking space.
  - (B) For three or more bedroom units, two on-site parking spaces.
- (3) There is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length.
- (4) Convenience or retail uses, including a grocery store, are located within one-half mile of the housing development. Chaptered 9/30/2008. Chapter 692, Statutes of 2008

**SB 1185 Lowenthal - Land use: subdivision maps.**

This bill authorizes a 12-month extension on all existing tentative subdivision and parcel maps. Chaptered by Secretary of State 07/15/2008 - Chapter No. 124, Statutes of 2008

The following is a summary of court decisions in 2008 that may affect a County's General Plan.

**Urban Habitat Program v. City of Pleasanton (2008) 164 Cal.App.4th 1561.**

Nonprofit housing corporation (UHP) and low-income plaintiff sued the city for its failure to adopt and implement low-income housing plans. The city had a deficiency in sites to meet its RHNA numbers. UHP alleged that the city's growth management ordinance and housing cap effectively prohibited the city from meeting its housing obligations. Further, UHP alleged the city failed to amend its general plan and zoning to allow for higher density housing as required by state law. The trial court sustained the demurrer of the city on statute of limitations grounds, but the court of appeal reversed, in part.

The court held that the statute of limitations under Government Code section 66009, subdivision (d), applies when a two-prong test is met. First, the challenge must be brought to support or facilitate low-income housing. Second, claim must challenge actions taken under the specific statutes enumerated in the statute, including limits on low income housing and the Least Cost Zoning law which requires sufficient zoning of vacant land in high enough densities to support low income housing. The court further held that the notice requirement under section 66009(d) must be giving to the city or county within 90 days of the decision challenged in the lawsuit. Additionally, the court held that the statute of limitations under Code of Civil Procedure section 338 applied where UHP did not challenge a "decision" by the city, but rather other actions taken that were allegedly the cause of deficient low-income housing.

**St. Vincent's School for Boys, Catholic charities CYO v. City of San Rafael (2008) 161 Cal.App.4th 989**

St Vincent's owned 835 acres in the unincorporated area of the County of Marin which it

hoped to develop. In 2000, a task force to prepare general plan amendments was formed to analyze the appropriate density of St. Vincent's property. In 2002, St. Vincent applied for development and annexation. In January 2003, the city adopted a resolution directing staff to prepare amendments to the general plan relating to plaintiff's property and directing LAFCO to remove the property from the city's sphere of influence. In April 2003, the city denied St. Vincent's application for rezoning and annexation. In 2004, the general plan update was adopted.

St. Vincent sued claiming the January 2003 resolution was a "project" under CEQA which required an EIR. The court rejected this claim noting direction to staff to prepare general plan amendments is not "approval" or final action requiring CEQA review. St. Vincent then argued the 2004 General Plan amendment removing its property from the sphere of influence was in excess of the city's police powers and arbitrary. The court held that St. Vincent had no legal right to annexation. St. Vincent also claimed city's housing element violated state law because it did not identify adequate sites for residential development. After analyzing the housing element, the court rejected the claim.

#### **F. Consistency with State General Plan Guidelines**

Section 65400 of the Government Code requires jurisdictions to include the degree to which the approved General Plan complies with the State of California *General Plan Guidelines (Guidelines)*. Planning staff reviewed the State's *General Plan Guidelines* and determined that Ventura County's General Plan meets the mandatory requirements described therein.

The *Guidelines* provide a definitive interpretation of State statutes and case law as they relate to planning. In addition, the *Guidelines* outline the general framework for preparation and revision of a General Plan, Attorney General Opinions, and the relationship of the General Plan to State CEQA requirements. Finally, the *Guidelines* describe elements that are mandatory for all General Plans (e.g., Housing Element, Land Use Element, Circulation Element, etc.). In general, however, the State's *Guidelines* are advisory rather than prescriptive, thus preserving opportunities for local jurisdictions to address contemporary planning topics in a locally appropriate manner.

Staff believes that the Ventura County General Plan is generally consistent with the requirements of the *Guidelines*. However, In July 2008, the County adopted an updated Housing Element and subsequently submitted it to the California Department of Housing and Community Development (HCD) for their review. In November 2008, HCD transmitted comments indicating that the Housing Element did not meet the requirements of State Housing law and therefore HCD did not certify it. As mentioned previously, the County is currently working on revisions in response to HCD and to bring the Housing Element into compliance with State law.

With regard to the General Plan as a whole, Attachment 2 details the way in which the uniquely structured Ventura County General Plan integrates these mandatory elements into various chapters and appendices. Attachment 3 lists adoption dates of the most recent revisions to various chapters of the General Plan and associated Area Plans.

**Attachments:**

Attachment 1- Housing Affordability Assumptions/Methodology

Attachment 2 – Ventura County General Plan Compliance with State of California  
General Plan Guidelines

Attachment 3 – Last Amendment Date of Ventura County General Plan and  
Area Plans

## Attachment 1

### Housing Affordability Assumptions/Methodology

In order to assess the County's progress in meeting housing needs, affordability characteristics of new units must be determined. Reporting affordability of new housing units is dependent on information regarding family income, number of bedrooms, and the sales price/construction cost or rental amount of newly constructed housing units. As stated previously, the County Assessor Rolls for 2008 will not be closed until July 2009; therefore, 2008 affordability characteristics will be reported in next year's annual report. The following affordability characteristics were generated in 2007 dollars to assess affordability of the 2007 Ventura County housing completions.

#### Median Family Income

According to the Department of Housing and Urban Development, median family (four persons) income for Ventura County in FY 2007 was \$79,500. Utilizing the County median income, the gross income for the four income categories can be calculated as reflected in Table A below.

**Table A**

Income Category	Annual Income	Monthly Income
<b>Extremely Low</b> (<30% of median)	Up to \$23,850	Up to \$1,988
<b>Very Low</b> (>30% - <50% of median)	\$23,850 to \$39,750	\$1,988 to \$3,313
<b>Low</b> (>50% - <80% of median)	\$39,750 to \$63,600	\$3,313 to \$5,300
<b>Moderate</b> (>80% - <120% of median )	\$63,600 to \$95,400	\$5,300 to \$7,950
<b>Upper</b> (>120% of median)	Over \$95,400	Over \$7,950

#### Maximum Affordable Housing Costs by Income Category

Table B indicates estimates of the ability of households to pay for housing based on 2007 income categories. The maximum affordable monthly housing payment assumes that up to 30 percent of a household's gross income is devoted to rent or home loan payment. Maximum affordable unit cost is the maximum cost of a for-sale residential unit, assuming a 20 percent down payment with 30 percent maximum gross monthly income payment and a fixed 6.49 percent APR for a 30-year loan.

**Table B**

<b>Income Category</b>	<b>Maximum Monthly Affordable Housing Payment</b>	<b>Maximum Affordable For-Sale Unit Cost</b>
<b>Extremely Low</b> (<30% of median)	Up to \$596	Up to \$124,300
<b>Very Low</b> (>30% - <50% of median)	\$596 to \$994	\$124,300 to \$207,250
<b>Low</b> (>50% - <80% of median)	\$994 to \$1,590	\$207,250 to \$331,550
<b>Moderate</b> (>80% - <120% of median)	\$1,590 to \$2,385	\$331,550 to \$497,300
<b>Upper</b> (>120% of median)	Over \$2,385	Over \$497,300

The maximum housing affordability may vary depending upon household size. Household size can be correlated with the number of bedrooms a dwelling has. Table C provides assumptions used with regard to the number of bedrooms and household size.

**Table C**

<b>Number Of Bedrooms</b>	<b>Household Size</b>
Studio/Single Room Occupancy (SRO)	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	4 persons <sup>1</sup>
4 bedrooms	5 persons
5 bedrooms	6 persons
6 bedrooms	7 persons

Based upon these assumptions, housing affordability ranges can be more precisely determined by target household size. Table D illustrates the estimated household income (2007), based upon family size.

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<sup>1</sup> Median household size

**Table D**

Income Category	Household Income Based Upon Number of Persons in Family (in 2007 Dollars) <sup>1</sup>						
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons
<b>Extremely Low</b>	Under 16,700	Under 19,100	Under 21,500	Under 23,850	Under 25,750	Under 27,700	Under 29,600
<b>Very Low</b>	16,700 to 27,800	19,100 to 31,800	21,500 to 35,800	23,850 to 39,750	25,750 to 42,900	27,700 to 46,100	29,600 to 49,300
<b>Low</b>	27,800 to 44,500	31,800 to 50,900	35,800 to 57,200	39,750 to 63,600	42,900 to 68,700	46,100 to 73,800	49,300 to 78,850
<b>Moderate</b>	44,500 to 66,800	50,900 to 76,300	57,200 to 85,900	63,600 to 95,400	68,700 to 103,000	73,800 to 110,650	78,850 to 118,300
<b>Upper</b>	Over 66,800	Over 76,300	Over 85,900	Over 95,400	Over 103,000	Over 110,650	Over 118,300

Source: FY 2007 HUD Income Limits Briefing Material, Family Size Adjustments.

Using the same methodology as above, the maximum monthly rental/mortgage payment can be calculated for each income category based upon the number of bedrooms in the housing unit, which is reflected in Table E.

**Table E**

Income Category	Maximum Monthly Housing Payment Based Upon Number of Bedrooms in Housing Unit (in 2007 Dollars)						
	SRO	1 BDR.	2 BDRS.	3 BDRS.	4 BDRS.	5 BDRS.	6 BDRS.
<b>Extremely Low</b>	Up to 417	Up to 477	Up to 537	Up to 596	Up to 644	Up to 692	Up to 739
<b>Very Low</b>	417 to 696	477 to 795	537 to 894	596 to 994	644 to 1,073	692 to 1,153	739 to 1,232
<b>Low</b>	696 to 1,113	795 to 1,272	894 to 1,431	994 to 1,590	1,073 to 1,717	1,153 to 1,844	1,232 to 1,972
<b>Moderate</b>	1,113 to 1,670	1,272 to 1,908	1,431 to 2,147	1,590 to 2,385	1,717 to 2,576	1,844 to 2,767	1,972 to 2,957
<b>Upper</b>	Over 1,670	Over 1,908	Over 2,147	Over 2,385	Over 2,576	Over 2,767	Over 2,957

<sup>1</sup> Rounded to the nearest \$50.00

Likewise, using the same methodology and information as above, the maximum housing unit cost can be calculated for each income category based upon the number of bedrooms in the housing unit, which is reflected in Table F.

**Table F**

Income Category	Maximum Housing Unit Cost Based Upon Number of Bedrooms in Housing Unit (in 2007 Dollars) <sup>1</sup>						
	SRO	1 BDR.	2 BDRS.	3 BDRS.	4 BDRS.	5 BDRS.	6 BDRS.
<b>Extremely Low</b>	Up to 82,500	Up to 94,350	Up to 106,200	Up to 117,900	Up to 127,400	Up to 136,850	Up to 146,150
<b>Very Low</b>	82,500 to 137,460	94,350 to 157,250	106,200 to 176,800	117,900 to 196,400	127,400 to 212,200	136,850 to 227,850	146,150 to 243,650
<b>Low</b>	137,460 to 220,150	157,250 to 251,600	176,800 to 283,050	196,400 to 314,500	212,200 to 339,600	227,850 to 364,700	243,650 to 389,850
<b>Moderate</b>	220,150 to 330,100	251,600 to 377,400	283,050 to 424,450	314,500 to 471,700	339,600 to 509,300	364,700 to 547,050	389,850 to 584,850
<b>Upper</b>	Over 330,100	Over 377,400	Over 424,450	Over 471,700	Over 509,300	Over 547,050	Over 584,850

In order to complete the County's annual housing objectives progress report, staff collected appropriate data from the files of the County Assessor, the Building and Safety, and the Planning Division. In instances where complete or consistent information is not available, staff has placed the units in the unknown category.

<sup>1</sup> Rounded to the nearest \$50.00

# Attachment 2 Ventura County General Plan Compliance with State General Plan Guidelines

State Requirements	Ventura County General Plan Chapters And Appendices			
	Resources	Hazards	Land Use	Public Facilities and Services
<b>Land Use Element:</b>				
Housing			X	
Business			X	
Industry			X	
Open Space			X	X
Agriculture			X	
Scenic Beauty				
Education				
Public Buildings & Grounds				
Solid & Liquid Wastes				
Population Density/Building Intensity				
Flooding				
Timberland Production				
<b>Circulation Element:</b>				
Major Thoroughfares				
Transportation Routes				
Terminals				
Utilities				
<b>Housing Element</b>				
<b>Conservation Element:</b>				
Water		X		
Hydraulic Force		X		
Forests		X		
Soils		X		
Rivers		X		
Harbors		X		
Fisheries		X		
Wildlife		X		
Minerals		X		
<b>Open Space Element</b>				
<b>Noise Element</b>				
<b>Safety Element</b>				

### Attachment 3 Last Amendment Date of Ventura County General Plan and Area Plans

Document Title	Date adopted or last amended
<b>Countywide General Plan:</b>	
Goals, Policies and Programs <sup>1</sup>	09-04-08
Resources Appendix	09-04-08
Hazards Appendix	11-15-05
Land Use Appendix	07-22-08
Public Facilities and Services Appendix	11-15-05
<b>Area Plans:</b>	
Ahmanson Ranch Area Plan <sup>2</sup>	12-15-92
Coastal Area Plan <sup>3</sup>	11-20-01
El Rio/Del Norte Area Plan <sup>4</sup>	11-15-05
Lake Sherwood/Hidden Valley Area Plan <sup>5</sup>	11-15-05
North Ventura Avenue Area Plan <sup>6</sup>	12-11-90
Oak Park Area Plan <sup>7</sup>	11-15-05
Ojai Valley Area Plan <sup>8</sup>	11-15-05
Piru Area Plan	12-16-08
Saticoy Area Plan <sup>9</sup>	12-10-96
Thousand Oaks Area Plan	11-15-05

<sup>1</sup> The Housing and Population Chapter of the General Plan is currently being revised.

<sup>2</sup> Ahmanson Ranch Area Plan should be rescinded when Development Agreement expires (2017).

<sup>2</sup> Updating the Coastal Area Plan, and its companion Coastal Zoning Ordinance, is a major project, which will require State funding.

<sup>3</sup> There will be pressure to increase residential densities once sewers are constructed (2009).

<sup>4</sup> Over the past decade, Sherwood Development Company has initiated necessary amendments to the Area Plan.

<sup>5</sup> City of Ventura recently updated their General Plan; Ventura Avenue Area Plan is in need of updating.

<sup>6</sup> Oak Park is largely built-out and an update is not necessary.

<sup>7</sup> The Ojai Valley Area Plan is not in immediate need of updating.

<sup>9</sup> City of Ventura is preparing a land use plan for the Wells Road/Saticoy Area; Saticoy Area Plan is in need of updating.

## Attachment 2

### Ventura County General Plan Compliance with State General Plan Guidelines

State Requirements	Ventura County General Plan Chapters And Appendices			
	Resources	Hazards	Land Use	Public Facilities and Services
<b>Land Use Element:</b>				
Housing			X	
Business			X	
Industry			X	
Open Space	X	X	X	X
Agriculture	X		X	
Scenic Beauty	X			
Education				X
Public Buildings & Grounds				X
Solid & Liquid Wastes		X		X
Population Density/Building Intensity			X	
Flooding		X		X
Timberland Production	X		X	
<b>Circulation Element:</b>				
Major Thoroughfares				X
Transportation Routes				X
Terminals				X
Utilities				X
<b>Housing Element</b>			X	
<b>Conservation Element:</b>				
Water	X			X
Hydraulic Force		X		X
Forests	X			
Soils	X			
Rivers	X	X		X
Harbors				X
Fisheries	X			
Wildlife	X			
Minerals	X			
<b>Open Space Element</b>	X		X	
<b>Noise Element</b>		X		
<b>Safety Element</b>		X		X



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Piru Area Plan	12-16-08
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